

201708713
(SJB)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
AT DAYTON

IN RE:

Nancy K. Hislope,

Debtor.

Case No. 17-32552

Chapter 7

Judge Lawrence S. Walter

MOTION OF BANK OF AMERICA, N.A.
FOR RELIEF FROM AUTOMATIC STAY
(REAL PROPERTY LOCATED AT: 106
CONCORD FARM ROAD UNION, OH
45322-3456)

Bank of America, N.A. (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §§ 361, 362, 363 and other sections of Title 11 of the United States Bankruptcy Code and under Rule 4001 and other Rules of the Federal Rules of Bankruptcy Procedure for an order conditioning, modifying, or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code with respect to certain real property of the Debtor having an address of 106 Concord Farm Road Union, OH 45322-3456 (the “Property”) , for all purposes allowed by the Note (defined below), the Mortgage (defined below), and applicable law, including but not limited to the right to foreclose. The Relief from Stay/Adequate Protection Exhibit and Worksheet—Real Estate is attached hereto as Exhibit A, as required by Local Rule 4001-1(a)(2). In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtor on August 14, 2017.

2. A copy of the deed to the Property is attached here as Exhibit B.

3. The Debtor, Nancy K. Hislope, has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$69,856.00 (the "Note"). A copy of the Note is attached hereto as Exhibit C. Movant is an entity entitled to enforce the Note.

4. As evidenced by the assignments, endorsements, and/or allonges attached to the Note, the Note was transferred to Movant as follows: From Franklin Bank, SSB to Countrywide Document Custody Services, a division of Treasury Bank, N.A., as evidenced by the endorsement on the Note; said Note was further transferred from Countrywide Document Custody Services, a division of Treasury Bank, N.A. to Countrywide Home Loans, Inc., as evidenced by the endorsement on the Note; said Note was further transferred from Countrywide Home Loans, Inc. to Countrywide Home Loans Servicing LP as evidenced by the endorsement attached to the Note; said Note was further transferred from Countrywide Home Loans Servicing LP to Movant herein as evidenced by the blank endorsement attached to the Note. See Exhibit C hereto. The Movant or one or more of its custodians or agents is in possession of the Note as of the date of this motion.

5. Pursuant to that certain Open-End Mortgage (the "Mortgage"), all obligations (collectively, the "Obligations") of the Debtor under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage is attached hereto as Exhibit D. As evidenced by the assignment recorded on February 21, 2012, a copy of which is attached hereto as Exhibit F hereto, the Mortgage was transferred from Mortgage Electronic Registration Systems, Inc. to Bank of America, N.A., Successor by

merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP. **Said Note and Mortgage are subject to a Loan Modification Agreement, a copy of which is attached hereto as Exhibit E.**

6. As of August 21, 2017, the outstanding amount of the Obligations less any partial payments or suspense balance is \$56,044.82.

7. As of August 21, 2017 the earliest month and year of any arrearage is April 1, 2017.

8. The following chart sets forth the number and amount of payments due pursuant to the terms of the Note that have been missed by the Debtor:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
1	04/01/2017	04/01/2017	\$504.92	\$504.92
4	05/01/2017	08/01/2017	\$520.77	\$2,083.08
Less partial payments				(\$0.00)

Total: \$2,588.00

9. The estimated market value of the Property is \$56,940.00. The basis for such valuation is Debtor's Schedule D.

10. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$56,044.82.

11. Cause exists for relief from the automatic stay for the following reasons:

(a) Movant's interest in the Property is not adequately protected.

(b) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by law, the Note, the Mortgage, and applicable law, including but not limited allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and any and all other collateral pledged under the Mortgage.
2. That the Order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. For such other relief as the Court deems proper.

/s/ Mia L. Conner
Mia L. Conner, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0078162
Attorneys for Movant
P.O. Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100 ext. 3445
(513) 354-6464 fax
sohbk@lsrlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Relief From Automatic Stay was served electronically on the date of filing through the Court's ECF System on all ECF participants registered in this case at the e-mail address registered with the court and by Ordinary U.S. Mail on September 6, 2017 addressed to:

Nancy K. Hislope
106 Concord Farm Rd.
Englewood, OH 45322

/s/ Mia L. Conner
Mia L. Conner, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0078162
Attorneys for Movant
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IN RE:

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Judge Lawrence S. Walter

NOTICE OF FILING OF MOTION FOR
RELIEF FROM STAY OF BANK OF
AMERICA, N.A.

(REAL PROPERTY LOCATED AT: 106
CONCORD FARM ROAD UNION, OH
45322-3456)

OFFICIAL FORM 20A

Bank of America, N.A. has filed papers with the Court to obtain relief from the automatic stay.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion for relief from stay, then within twenty-one (21) days from the date of this notice, you or your attorney must:

* File with the Court a written request for a hearing, and a written response setting forth the specific grounds explaining your position at:

Clerk, U.S. Bankruptcy Court
U.S Bankruptcy Court
120 West 3rd Street
Old Post Office & Courthouse
Dayton, OH 45402

If you mail your request or response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

David M. Hollingsworth, Esq. – Attorney for Debtor
PO Box 52
Enon, OH 45323
dmh@enonlaw.net

Paul Spaeth, Trustee
7925 Paragon Road
Suite 101
Dayton, OH 45459
spaethlaw@phslaw.com

Office of the U.S. Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417
USTPRegion09.CB.ECF@usdoj.gov

Nancy K. Hislope
106 Concord Farm Rd
Englewood, OH 45322

at the addresses listed thereon.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATED: September 6, 2017

/s/ Mia L. Conner
Mia L. Conner, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0078162
Attorneys for Movant
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106 Concord Farm Rd.
Englewood, OH 45322

/s/ Mia L. Conner
Mia L. Conner, Case Attorney
LERNER, SAMPSON & ROTHFUSS
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